

February 24, 2003

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

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**REF: Docket No. FAA-2002-12461; Notice No. 02-1
Notice of Proposed Rulemaking (NPRM);
Flight Simulation Device Initial and Continuing Qualification and Use**

The Aircraft Owners and Pilots Association (AOPA), representing the interests of over 390,000 pilots and aircraft owners, submits the following comments for the Federal Aviation Administration (FAA) rulemaking contained in Docket No. FAA-2002-12461:

AOPA opposes this NPRM. It places an unnecessary regulatory burden on the aviation industry, and it does not address a safety problem or provide a net safety benefit. The cost of complying with the proposed rule could force many pilot schools to discontinue the use of flight training devices (FTDs), which are used to provide pilots access to important procedures and proficiency training opportunities in a safe environment that helps to enhance safety. AOPA respectfully requests that this NPRM be significantly modified for the following reasons-

Limit the NPRM to addressing the FAA's need to eliminate exemptions.

The FAA states that the reason for the proposed rule changes is to eliminate its burden of issuing operating exemptions to FAR Part 125 and 135 operators of transport category aircraft who wish to use Level A – D flight simulators under Part 121 Appendix H – Advanced Simulation Plan. Yet the FAA proposes to place additional regulatory burdens on the entire aviation industry, including small pilot training centers simply to rid itself of the burden of issuing exemptions. This is not a valid rationale for imposing new regulatory burdens on the public.

To mitigate this exemption issue, the NPRM should be modified to address only FAR Part 125 and 135 operators and Level A – D flight simulators. Making the appropriate changes in FAR Part 125, 135 and 142 by cross-referencing to Part 121 Appendix H could eliminate the exemption burden on FAA without imposing a regulatory burden on industry.

The NPRM does not adequately identify the cost impact to industry and the public.

AOPA fully supports not applying the proposed rule to the use of a personal computer aviation training device (PCATD). However, AOPA has concerns because it will apply to Level 1 – 6 Flight Training Devices that are used by general aviation pilot schools (FTDs simulate smaller single engine and multi-engine piston aircraft to light turboprop and light jet aircraft procedures).

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The FAA has not identified nor evaluated the cost impact that the proposed rule will have on these schools or the effect on its own resource needs. Nor has the FAA justified the need for such requirements. Before promulgating any rule to further regulate these Level 1 –6 FTDs, the FAA must conduct a cost analysis and provide operators with an opportunity to provide input regarding the impact of such a rule.

AOPA believes that FAA funding and staff resources are not sufficient to accommodate the regulatory oversight required by the proposed rule, especially if it includes all of the pilots schools that use Level 1 – 6 flight training devices. This is partially evident by the fact that the FAA did not have the resources to identify all of the FTD operators that will be affected by this proposed rule. AOPA also believes that the FAA will have difficulty securing the necessary additional funding to provide appropriate regulatory oversight.

Conclusion

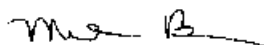
AOPA recommends that the NPRM either be rescinded or appropriately modified for the reasons stated above. The proposed rule places an unnecessary regulatory burden by imposing a large cost on industry without properly identifying the cost impact, without addressing a safety problem with the current regulations and use of flight simulation and flight training devices, and without providing a net safety benefit. The cost impact of the proposed rule is understated, in that the FAA does not adequately identify all of the operators that will be affected with the inclusion of general aviation pilot schools that use Level 1 – 6 FTDs. The proposed rule is especially cost prohibitive for general aviation pilot schools and this will negatively impact the use of flight training devices by general aviation pilots as a safe and effective procedures and proficiency training aid.

Should the FAA decide to continue with this rulemaking effort, AOPA requests that

- 1) The FAA limit the rule changes to FAR Parts 125, 135 and 142 to eliminate the need for exemptions to operate and use Level A – D flight simulators, and
- 2) The FAA remove any applicability to Level 1 – 6 flight training devices, which will allow general aviation pilot schools and training centers to continue to cost-effectively provide safe and effective simulation-based flight training under the current regulations and guidance.

AOPA appreciates the opportunity to provide the FAA with our comments and recommendations on this rulemaking effort. We will be pleased to answer any questions regarding our comments and recommendations.

Sincerely,



Melissa Bailey
Vice President,
Air Traffic, Regulatory and Certification Policy

